

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

UNITED STATES OF AMERICA,


CASE NO. 00-6309-CR-SEITZ

Plaintiff,

v.

JOSEPH SPITALERI,

Defendant.

FILED BY  D.C.
2001 NOV -8 PM 3:02
CLARENCE MADDOX
CLERK, U.S. DIST. CT.
S.D. OF FLA - MIA

**DEFENDANT'S UNOPPOSED MOTION FOR LEAVE TO FILE
OBJECTIONS TO PRE-SENTENCE INVESTIGATION REPORT OUT OF TIME**

Defendant, **JOSEPH SPITALERI**, by and through undersigned counsel, hereby files this Unopposed Motion for Leave to File Objections to Pre-sentence Investigation Report Out of Time and, in support thereof, the Defendant states as follows:

1. The Pre-sentence Investigation Report was disclosed by Defendant's Probation Officer on September 6, 2001.
2. Defendant's original date for sentencing was September 26, 2001.
3. This Court granted the Government's Unopposed Motion to Continue the Sentencing date to November 13, 2001.
4. Since the parties received the Pre-sentence Investigation Report, they have been engaged in discussions regarding the appropriate enhancements pursuant to the United States Sentencing Guidelines, as set forth in detail in Defendant's Objections to PSI filed simultaneously herewith.

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5. The undersigned attorney has contacted AUSA Diana Fernandez regarding this Motion. AUSA Fernandez advised the Government that she has **no objection** to the relief requested herein.

WHEREFORE, Defendant **JOSEPH SPITALERI** respectfully requests this Honorable Court grant his Motion for Leave to File Objections to Pre-sentence Investigation Report Out of Time and such other relief as is just and proper.

Respectfully submitted,

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By: 

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JOEL HIRSCHHORN
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 8th day of November, 2001, to Brian McCormick, Esq. and Diana Fernandez, Esq., Assistant United States Attorneys, United States Attorney's Office, Central Criminal Section II, 500 East Broward Boulevard, Fort Lauderdale, FL 33394-3002, and to all parties on the attached Service List.


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